

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

LIFE Rehab Services, Inc.,  
Medical Pain Management, Physicians'  
Diagnostics & Rehabilitation, and Medical  
Advanced Pain Specialists, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

Civ. No. 05-1279 (JNE/FLN)  
ORDER

v.

Allied Property & Casualty Insurance Company,  
AMCO Insurance Company, Depositors  
Insurance Company, and  
Nationwide Insurance Company of America,

Defendants.

This case is before the Court on a Report and Recommendation issued by the Honorable Jeanne J. Graham, United States Magistrate Judge, on January 5, 2006. The magistrate judge recommended that Defendants' motion to dismiss be granted in part and denied in part. Defendants objected to the Report and Recommendation. Plaintiffs responded. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Defendants' motion to dismiss [Docket No. 8] is GRANTED IN PART and DENIED IN PART, as set forth in the magistrate judge's January 5, 2006, Report and Recommendation [Docket No. 29].
2. Count Three of Plaintiffs' Complaint [Docket No. 1] is DISMISSED.

Dated: February 22, 2006

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge